

AN ORDINANCE

02- 0 -0520

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

**AN ORDINANCE AMENDING THE CITY OF ATLANTA TREE PROTECTION ORDINANCE, ARTICLE 2 OF CHAPTER 158 OF THE ATLANTA CITY CODE (1995), SO AS TO EXEMPT AFFORDABLE HOUSING UNITS AND ECONOMIC DEVELOPMENT PROJECTS FROM RECOMPENSE FEES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the revised Tree Protection Ordinance, Article 2 of Chapter 158 of the Atlanta City Code (1995), was adopted by City Council on December 3, 2001 and approved by the Mayor on December 11, 2001; and

**WHEREAS**, the revised Tree Protection Ordinance at Section 158-66 of the Atlanta City Code (1995) mandates the creation of a Tree Trust Fund which requires developers to pay recompense fees into the fund when replacing trees on property is not feasible; and

**WHEREAS**, tree recompense fees could substantially raise the price of housing units and economic development projects; and

**WHEREAS**, the City wishes to promote the development of affordable housing units and economic development projects by exempting said development from the requirement to pay tree recompense fees to the same extent and in the same manner that they are exempted from developmental impact fees; and

**WHEREAS**, Section 19-1016 of Part 19 of the City of Atlanta Land Development Code (1995) provides exemption or partial exemption from developmental impact fees for affordable housing units and economic development projects provided application is made for such exemption and the criteria therein are met.

**NOW, THEREFORE IT IS ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

**SECTION 1:** That Article 2, Chapter 158, of the Atlanta City Code (1995) "Tree Protection," be, and the same hereby is, amended by adding the following language at the end of present Subsection (c), "*Recompense for permitted removal or destruction*," of Section 158-66 of the City Code (1995), entitled "Tree trust fund":

Affordable housing units and economic development projects granted exemption or partial exemption from impact fees under Part 19 of the City of Atlanta Land Development Code at Section 19-1016 thereof shall be exempt or partially exempt to the same extent from these recompense requirements.

**SECTION 1 (cont.):** So that said Section 158-66, as now amended, will read as follows in its entirety (language added by this amendment highlighted by being underlined):

**Sec. 158-66. Tree trust fund**

- (a) *Establishment and administration.* The tree conservation commission shall establish a tree trust fund for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. A maximum of five percent of the fund may be used for educational materials and programs. The fund shall derive and administer its proceeds independent of the city budget.
- (b) *Recompense for illegal removal or destruction.* Developers, builders, contractors, homeowners and others who violate the criteria for removal or destruction of Sec. 158-102 shall contribute to the fund the replacement value of the trees illegally removed or destroyed according to the recompense formulas of Sec. 158-34.
- (c) *Recompense for permitted removal or destruction.* Developers, builders, contractors, homeowners and others who are unable to meet the standards for tree replacement and afforestation of Sec. 158-103 shall contribute to the fund the replacement value of the trees removed in excess of the trees replaced in the course of new construction, landscaping, or other permitted activities according to the recompense formula of Sec. 158-103(b).  
Affordable housing units and economic development projects granted exemption or partial exemption from impact fees under Part 19 of the City of Atlanta Land Development Code at Section 19-1016 thereof shall be exempt or partially exempt to the same extent from these recompense requirements.
- (d) *Interim and permanent structure.* For a period not to exceed three years from its establishment, the fund shall contract with qualified public agencies and private organizations on a per project basis to plant and maintain trees. Based on at least one year of experience, the tree conservation commission shall evaluate the tree trust fund, define its needs, and establish a permanent structure under this section of the ordinance.

**SECTION 2:** That all ordinances in conflict herewith are repealed to the extent of said conflict, and only to such extent.

RCS# 4349  
1/06/03  
2:46 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0520; 02-O-0599  
02-O-1039; 02-O-1147  
FILE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

MULTIPLE

02-0-0520

(Do Not Write Above This Line)

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TREE PROTECTION ORDINANCE, ARTICLE 2 OF  
CHAPTER 158 OF THE ATLANTA CITY CODE  
(1995), SO AS TO EXEMPT AFFORDABLE  
HOUSING UNITS AND ECONOMIC DEVELOPMENT  
PROJECTS FROM RECOMPENSE FEES; AND FOR  
OTHER PURPOSES.

Full Council

FILED

1/6/03

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred 4/1/02

Referred To: Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date 12/11/02  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

Date 4/4/02  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Action:

Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Members

5/14/02  
5/28/02  
6/11/02  
6/25/02  
7/9/02  
7/30/02

Committee

Date 12/11/02  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Action:

Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Members

5/14/02  
5/28/02  
6/11/02  
6/25/02  
7/9/02  
7/30/02

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ R/C Vote

CERTIFIED

CERTIFIED  
JAN 06 2003  
Municipal Clerk

CERTIFIED  
JAN 06 2003  
Municipal Clerk

MAYOR'S ACTION